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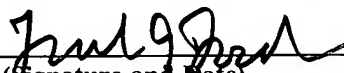
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Armin GEIGER et al.
Serial No. : 10/525,613
Filed : April 21, 2005
For : AGITATING BALL MILL WITH RADIAL AGITATOR
Group Art Unit : (Not yet known)
Examiner : (Not yet known)

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Frank J. Jordan
(Name)

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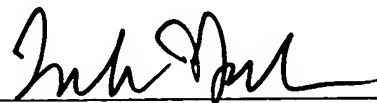
SUBMISSION OF ENGLISH TRANSLATION OF
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Sir:

Submitted herewith is the English translation of the International Preliminary Examination Report (Form PCT/IB/338 and Form PCT/IPEA/409).

Respectfully submitted,

JORDAN AND HAMBURG LLP

By 

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FJJ/cj/Enc.

English translation of the International Preliminary Examination Report

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

BÜHLER AG
Bahnhofstrasse
CH-9240 Uzwil
SUISSE

Date of mailing (day/month/year) 21 April 2005 (21.04.2005)	
Applicant's or agent's file reference GD 008-P/WO	IMPORTANT NOTIFICATION
International application No. PCT/CH2003/000560	International filing date (day/month/year) 19 August 2003 (19.08.2003)
Applicant BÜHLER AG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
Facsimile No. +41 22 740 14 35	Facsimile No. +41 22 338 70 80

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000560

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-13 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-19 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/6-6/6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CH 03/00560

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-19	YES
	Claims	1	NO
Inventive step (IS)	Claims	17-19	YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations

1. Prior art

In this report the search report citations are specified as follows; the same numbering will be used throughout the procedure:

D1: US 5 590 841 A

D2: US 5 624 080 A

D3: PATENT ABSTRACTS OF JAPAN, Vol. 2003, No. 02,
5 February 2003 (2003-02-05) & JP 2002 316061 A

D4: GB 1 277 715 A

D5: US 5 474 237 A

2. Claim 1 (Novelty)

D1 clearly describes an agitator ball mill having all the features of the preamble of claim 1 (see fig. 1).

In the case of the D1 agitator ball mill, it is also clear that the rotor (1) is in the form of a rotationally symmetrical body and the stator is formed by an internal surface of the grinding chamber which is of a shape substantially complementary to the rotor surface (fig. 1), and that the rotor and the stator have pins (9a, 9b)

distributed over the whole of each of their surfaces, which pins extend from the respective surface and project into the process chamber (column 4, lines 7 to 8, fig. 2).

Since D1 has all the features of claim 1, the subject matter of claim 1 is not considered novel (PCT Article 33(1) and (2)).

3. Dependent claims 2 to 16

The additional features of dependent claims 2 to 6 concern design features which are known to a person skilled in the art as purely routine. In particular, the features in claims 2 and 5 are known from D2 and the features in claims 3 and 4 are known from D3. The features in claim 6 are again known from D1.

A combination of these features with those of claim 1 does not therefore seem capable of establishing an inventive step (PCT Article 33(1) and (3)).

The additional features of claims 7 to 13 and 15 to 16 describe a grinding chamber having a stator, rotor and separating device, which grinding chamber can be tilted to a high position, where said grinding chamber is higher than a greater part of the grinding chamber volume, in order to facilitate ease of access to the components. These features are likewise described for solving the same problem in D4. A combination of these features with those of claim 1 does not therefore seem capable of establishing an inventive step (PCT Article 33(1) and (3)).

The feature defined in claim 14, that the separating device is a self-cleaning separator screen, is known from D5. A combination of these features with those of claim 1

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International application No.

PCT/CH 03/00560

does not therefore seem capable of establishing an inventive step (PCT Article 33(1) and (3)).

4. Industrial applicability

Industrial applicability is obviously established (PCT Article 33(1) and (4)).